

## 1994 No. 21

## SOCIAL SECURITY

**The Social Security (Adjudication) (Amendment)  
Regulations (Northern Ireland) 1994**

*Made* . . . . . 21st January 1994

*Coming into operation* . . . . . 28th February 1994

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 25(1)(b), 30(8), 33(10) and 59(1) and (2) of the Social Security Administration (Northern Ireland) Act 1992(a) and of all other powers enabling it in that behalf, and after agreement by the Social Security Advisory Committee that the proposals to make these regulations need not be referred to it(b), hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Social Security (Adjudication) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 28th February 1994.

(2) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

*Amendment of the Social Security (Adjudication) Regulations*

2.—(1) The Social Security (Adjudication) Regulations (Northern Ireland) 1987(d) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 64A(e) (date from which revised decision has effect on a review in specified circumstances)—

(a) in paragraph (3) at the beginning there shall be inserted “Subject to paragraph (3A),”; and

(b) after paragraph (3) there shall be inserted the following paragraph—

“(3A) A determination on a claim or question shall not be revised on review, in consequence of a determination by a Commissioner in another case that a decision of an adjudicating authority was erroneous in point of law, under section 23(2) or 28(2)(d) of the Administration Act so as to make benefit payable or to increase the amount of benefit

(a) 1992 c. 8

(b) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

(c) 1954 c. 33 (N.I.)

(d) S.R. 1987 No. 82; relevant amending regulations are S.R. 1987 No. 466, S.R. 1988 No. 369, S.R. 1991 No. 406 and S.R. 1992 Nos. 36 and 83

(e) Regulation 64A was inserted by regulation 2(2) of S.R. 1991 No. 406 and amended by regulation 12(3) of S.R. 1992 No. 36

payable in respect of that claim or question for any period prior to the date of that Commissioner's determination."

(3) In regulations 65(3), 66(1), 69(1) as continued in operation by regulation 10 of the Social Security (Adjudication) (Amendment No. 2) Regulations (Northern Ireland) 1987(a) and as amended by regulation 8 of those regulations, and 71 for "regulation 64A(2) or (3)" there shall be substituted "regulation 64A(2), (3) or (3A)".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 21st January 1994.

(L.S.)

W. G. Purdy

Assistant Secretary

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(a) S.R. 1987 No. 466

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### EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations amend regulation 64A of the Social Security (Adjudication) Regulations (Northern Ireland) 1987 to ensure that a decision on a claim or question shall not be revised on review so as to make benefit payable or increase the amount of benefit payable in respect of that claim or question for any period before the date of the Commissioner's decision on which the review was based.

Some consequential amendments are also made.